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Notice of Allowability	Application No.	Applicant(s)	
	10/717,998	HAYDUK, MATTHEW	
	Examiner	Art Unit	
	Frederick C. Nicolas	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/7/2006.
2. ☒ The allowed claim(s) is/are 1-15, 17-21, 24-26, 28-31 and 33-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

Allowable Subject Matter

1. Claims 1-15,17-21,24-26,28-31,33-35 are allowed.
2. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a foam chemical dispenser device in combination with the other claimed limitations of claims 1,18:

"a finger releasable locking device which, when in a locking mode, locks said mixing module positioner in the hold position and when in a release mode provides for positioner adjustment to said access position, wherein said body portion includes at least one chemical passageway with outlet positioned for chemical communication with a mixing module chemical port when the mixing module is received within said reception area".

The prior art fails to disclose or render obvious a foam chemical dispenser device in combination with the other claimed limitations of claim 9:

"a finger releasable locking device which, when in a locking mode, locks said mixing module positioner in the hold position and when in a release mode provides for positioner adjustment to said access position, wherein said locking device is adjustable into different compression levels relative to a mixing module received within said reception area".

The prior art fails to disclose or render obvious a foam chemical dispenser device in combination with the other claimed limitations of claim 14:

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“a finger releasable locking device which, when in a locking mode, locks said mixing module positioner in the hold position and when in a release mode provides for positioner adjustment to said access position; retention means designed for engagement with a mixing module received in the reception area of said body portion; wherein said retention means includes a male/female interconnection element”.

The prior art fails to disclose or render obvious a foam chemical dispenser device in combination with the other claimed limitations of claim 20:

“wherein said means for releasably locking includes an over-the-center latch, and wherein said means for releasably locking includes means for adjusting a compressive force imposed by said means for releasably locking on said pivotable door”.

The prior art fails to disclose or render obvious a foam chemical dispenser device in combination with the other claimed limitations of claim 24:

“wherein said door includes two hinge extension areas and an aperture therebetween which forms an outlet aperture for release of chemical by said mixing module”.

The prior art fails to disclose or render obvious a foam chemical dispenser device in combination with the other claimed limitations of claim 25:

“wherein said dispenser further comprises a male/female positioning means for precision positioning of the mixing module relative to said placement portion”.

Further, the prior art fails to disclose or render obvious a foam chemical dispenser device in combination with the other claimed limitations of claim 28:

“a latch having a first part which contacts said closure device to maintain said closure device in a mixing module hold position, and wherein said dispenser housing has a pair of chemical passageways leading to chemical outlets at the mixing module reception area, and said closure device is designed for contact with a mixing module received in said mixing module reception area to compress seals placed in a sealing relationship relative to the chemical outlets”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
December 18, 2006

 12/18/06
Frederick C. Nicolas
Primary Examiner
Art Unit 3754